

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
GEOVANNY MARRERO SANTANA, :
:
Plaintiff, :
:
- against - :
:
COMMISSIONER OF SOCIAL SECURITY, :
:
Defendant. :
:
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/30/2019

ORDER

VERNON S. BRODERICK, United States District Judge:

Plaintiff Geovanny Marrero Santana brings this action pursuant to § 205(g) of the Social Security Act, 42 U.S.C. § 405(g), seeking judicial review of a final determination of the Commissioner of Social Security (the “Commissioner”) denying his application for Disability Insurance Benefits and Supplemental Security Income. (Doc. 1.) On January 26, 2018, Plaintiff moved for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, seeking an order reversing the Commissioner’s determination and remanding for further proceedings. (Doc. 24.) On March 15, 2018, Defendant cross-moved for judgment on the pleadings, seeking affirmance of its final decision. (Doc. 28.) I referred this case to Magistrate Judge Barbara C. Moses on September 13, 2017 for a report and recommendation on the cross-motions. (Doc. 14.) Magistrate Judge Moses issued her Report and Recommendation on January 17, 2019 (the “Report and Recommendation” or “Report”). (Doc. 34.) Neither party filed an objection to the Report.

Before me is Judge Moses’s unchallenged Report and Recommendation, which recommends that the case be remanded for further analysis. Judge Moses’s Report is thorough

and detailed, and I accept its findings and recommendations, and direct that this case be remanded consistent with the findings in the Report and Recommendation.

In reviewing a magistrate judge’s report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within 14 days of being served with a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). When a party submits a timely objection, a district court reviews *de novo* the parts of the report and recommendation to which the party objected. 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). When neither party submits an objection to a report and recommendation, or any portion thereof, a district court reviews the report and recommendation for clear error. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008); *Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003); *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

Here, although the Report and Recommendation explicitly provided that “[t]he parties shall have 14 days from this date to file written objections,” (Doc. 34 at 28), neither party filed an objection. I therefore reviewed Judge Moses’s thorough and well-reasoned Report and Recommendation for clear error and, after careful review, found none. Accordingly, I adopt the Report and Recommendation in its entirety. Plaintiff’s motion for judgment on the pleadings, (Doc. 24), is granted, Defendant’s cross-motion for judgment on the pleadings, (Doc. 28), is denied, and this case is remanded for further proceedings consistent with the Report and Recommendation.

The Clerk's Office is respectfully directed to terminate the motions at Docs. 24 and 28, and enter judgment accordingly and close the case.

SO ORDERED.

Dated: May 30, 2019
New York, New York


Vernon S. Broderick
United States District Judge